

AMENDMENTS TO THE CLAIMS

Please replace all prior versions and listings of claims with the following listing of claims.

1-48. (Cancelled)

49. **(Currently Amended)** An optical apparatus having a telephone function comprising:
an optical system with an optical element having a variable focal length characteristic,
that uses no polarizing plate, and forms an image whose brightness is independent of a
polarized direction of incident light, the optical system comprising no lens element that moves
along an optical axis;

an image pickup device for picking up an image formed by said optical system;

a display for displaying a picked up image; and

a memory for storing the picked up image;

wherein a single focusing element member which makes variable ~~[[a]]~~ the focal point of
said optical element having the variable focal length characteristic ~~is composed of a single layer.~~

50. **(Previously Presented)** The optical apparatus having the telephone function
according to claim 49, further comprising a viewfinder for determining an image pickup range.

51. **(Withdrawn)** The optical apparatus having the telephone function according to
claim 49, wherein said optical apparatus is manufactured by lithography.

52. **(Withdrawn)** The optical apparatus having the telephone function according to
claim 49, comprising an infrared cut filter disposed in said optical system.

53. **(Withdrawn)** The optical apparatus having the telephone function according to
claim 49, wherein said optical system has a function of an infrared cut filter.

54. **(Withdrawn)** The optical apparatus having the telephone function according to claim 49, comprising an optical element or an optical member that is manufactured by molding plastic, glass or the like as a material.

55. **(Withdrawn)** The optical apparatus having the telephone function according to claim 49, wherein said optical element having the variable optical characteristic is manufactured by molding plastic, glass or the like as a material.

56. **(Previously Presented)** The optical apparatus having the telephone function according to claim 49, comprising a diffractive optical element.

57. **(Withdrawn)** The optical apparatus having the telephone function according to claim 49, wherein said optical element having the variable optical characteristic is a lens having a variable focal length.

58. **(Previously Presented)** The optical apparatus having the telephone function according to claim 49, further comprising a microprocessor.

59. **(Withdrawn)** The optical apparatus having the telephone function according to claim 49, wherein said optical system has a bent optical axis.

60. **(Withdrawn)** The optical apparatus having the telephone function according to claim 49, wherein said optical system has a rotationally asymmetrical optical surface.

61. (**Withdrawn**) The optical apparatus having the telephone function according to claim 49, wherein said optical element having the variable optical characteristic is a reflection type optical element.

62. (**Currently Amended**) An optical apparatus having a telephone function comprising:
an optical system having a focal point adjusting function which comprises an optical element having a variable focal length characteristic, uses no polarizing plate and forms an image whose brightness is independent of a polarized direction of incident light, the optical system comprising no lens element that moves along an optical axis;

an image pickup device for picking up the image formed by said optical system;

a display for displaying a picked up image;

a memory for storing the picked up image; and

a microprocessor;

wherein a single focusing element ~~member which~~ makes variable ~~[[a]]~~ the focal point of said optical element having the variable focal length characteristic is ~~composed of a single layer~~.

63-72. (**Cancelled**)

73. (**Previously Presented**) The optical apparatus having a telephone function according to claim 49 or 62, wherein said member which makes the focal point variable is a liquid crystal layer.

74. (**Previously Presented**) The optical apparatus having a telephone function according to claim 49 or 62, wherein said member which makes the focal point variable is a polymer dispersive liquid crystal.

75. ***(Previously Presented)*** The optical apparatus having a telephone function according to claim 49 or 62, wherein said member which makes the focal point variable is a twist nematic liquid crystal layer.